

**APPROVED JUNE 7, 2012**

The regular meeting of the Douglas County Board of Commissioners was held on May 3, 2012 in the Douglas County Commissioner Meeting Room of the Douglas County Administration Building, 1616-8<sup>th</sup> Street, Minden, Nevada, beginning at 1:03 p.m.

**COMMISSIONERS PRESENT:** Lee Bonner, Chairman; Nancy McDermid, Vice Chairman; Greg Lynn; Doug N. Johnson and Michael A. Olson.

**STAFF PRESENT:** Ted Thran, Clerk-Treasurer; Stephen Mokrohisky, County Manager; Michael McCormick, Assistant District Attorney; Doug Ritchie, Deputy District Attorney; Mimi Moss, Community Development Director; Carl Ruschmeyer, Public Works Director/County Engineer; Dirk Goering, Assistant Planner; Christine Vuletich, Assistant County Manager/CFO; Brandy McMahon, Senior Planner; Jeff Foltz, Senior Civil Engineer; Terry Lundergreen, Chief Deputy Treasurer; Bobbi Thompson, Airport Manager; Ron Roman, Engineering Manager; Karis Drake, Records Management Supervisor; Captain Joe Duffy, DCSO; Scott Morgan, Community Services Director and Lorraine Diedrichsen, Clerk to the Board.

**INVOCATION**

Pastor Jim Beilstein, Trinity Lutheran Church, led the Invocation.

**PLEDGE OF ALLEGIANCE**

Greg Lynn led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

MOTION by Johnson/McDermid to approve the agenda as presented; carried unanimously.

**APPROVAL OF PREVIOUS MINUTES: April 19, 2012**

MOTION by Lynn/McDermid to approve the minutes as presented; carried unanimously.

**DOUGLAS COUNTY AWARD PRESENTATION**

**1. Ceremonial presentation of a Proclamation by Governor Sandoval proclaiming June 2012 as Aviation Appreciation Month in Nevada.**

Assemblyman Kelly Kite talked about the soaring record being attempted by two local pilots, who are also tenants at the Minden-Tahoe Airport. He read from a report regarding the role Nevada's airports play in economic development as compared to

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other states. He read the Proclamation and presented it to Bobbi Thompson, Airport Manager.

This was a presentation only.

**PUBLIC COMMENT**

Gary Schmidt, longtime Nevada resident and candidate for Assembly, clarified previous comments made regarding the reputation of the Board of Commissioners. He discussed a recent candidate forum where the subject of Town Hall meetings arose. He feels some commissioners are confused about the Open Meeting Law regulations and suggested they attend an Open Meeting Law training session.

Donna Buddington revisited the Ranch No. 1 variance to a Genoa Lane bike path and said she does not believe it would have been “a path to nowhere”. If the home ranch would have been required to build the path, it would have been used as part of the River Fork Ranch trail. She wonders if the amount of influence someone has affects what they get to do. Also discussed was the effect emotions have had on the water system discussions.

Bob Cook talked about the success of the senior law enforcement academy and thanked the various agencies who participated. He reminded everyone of the upcoming Big Mama’s Car Show.

Ken Gray, representing Senator Mark Amodei, offered their support if it is needed.

Willie Webb, Genoa Bar owner, said his saloon is now smokefree and business has increased; smokefree works. Sip and Sweep Sundays is beginning and the money raised will be donated to various charities. His business serves free soft drinks to the people who act as designated drivers and he challenged other local bars to do the same.

Vice Chairman McDermid displayed the Carson Valley Days button for 2012 that are being sold as a fundraiser for Soroptimist. She urged everyone to attend Carson Valley Days.

Public comment closed.

**CONSENT CALENDAR**

Chairman Bonner stated item **2k** (For possible action. Discussion on the approval of a contract with Lumos & Associates for engineering services in the amount of

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\$86,845 for the reconstruction of Waterloo Lane from State Route 88 to Centerville Lane.) would be continued.

MOTION by Lynn/Olson to approve the Consent Calendar items 2a-2x minus item 2k;

**COMPTROLLER**

**2a. For possible action. Review status of treasury funds through May 3, 2012 per NRS 251.030.**

MOTION to approve;

**CLERK-TREASURER**

**2b. For possible action. Cumulative voucher sheets for checks issued.**

MOTION to approve;

**2c. For possible action. Discussion on approval of an Outdoor Festival Permit submitted by Dennis DeLange at GE Energy for the GE Energy Military Appreciation Fair, scheduled for June 2, 2012 from 10 a.m. – 5 p.m., to be held at 1631 Bently Parkway South, Minden, Nevada.**

MOTION to approve;

**2d. For possible action. Discussion on approval of an Outdoor Festival Permit submitted by Carson Valley Active 20-30 Club #85 for the 102<sup>nd</sup> Annual Carson Valley Days Festival with Carnival, Live Music, Parade, Hot Air Balloons, Craft Fair, Food, Walk-Jog-Run with Community Partnership Resources, Golf Tournament and Volleyball Tournament, scheduled for June 6 through 10, 2012 (with setup beginning June 4), from 7 a.m. – Midnight, daily, to be held throughout Minden & Gardnerville: Lampe Park, Herbig Park, Heritage Park, Carson Valley Middle School, Douglas High School, Minden Park & Highway 395, Nevada.**

MOTION to approve;

**AIRPORT**

**2e. For possible action. Discussion on authorizing the Airport Manager to take the necessary steps to foster economic development on the Airport by soliciting proposals for purchase of the modular office structure at 1138 Airport Road in conjunction with and simultaneous to a 20-year lease for the underlying land and in association with either a Specialized Aviation Service Operator or Full Service Fixed Base Operator agreement.**

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MOTION to approve;

**PUBLIC WORKS**

**2f. For possible action. Discussion on selling a 1999 GMC Sonoma pickup from the Douglas County Motor Pool Fleet to the Douglas County School District in the amount of \$1,500.**

MOTION to approve;

**2g. For possible action. Discussion on selling a 2000 Jeep Cherokee from the Douglas County Motor Pool Fleet to the Douglas County Sheriff's Department in the amount of \$1,500.**

MOTION to approve;

**2h. For possible action. Discussion on selling a 1992 Ford F350 from the Douglas County Surplus to the Douglas County School District in the amount of \$3,000.**

MOTION to approve;

**2i. For possible action. Discussion on rejecting all bids for the North Douglas County – Carson City Water Line Inter-tie Project North County Section, PWP-DO-2012-08.**

MOTION to approve;

**2j. For possible action. Discussion to award a contract in the amount of \$543,345 to Rapid Construction, Inc. for the Zephyr Knolls Water Line Project, PWP-DO-2012-077.**

MOTION to approve;

**REGIONAL TRANSPORTATION COMMISSION**

**2k. For possible action. Discussion on the approval of a contract with Lumos & Associates for engineering services in the amount of \$86,845 for the reconstruction of Waterloo Lane from State Route 88 to Centerville Lane.**

This item was continued.

**COMMUNITY DEVELOPMENT**

**2l. For possible action. Discussion on approval of a freestanding Community Entry Sign for the Town of Genoa to be located on the east side of U.S. Highway 395, approximately 86 feet southeast of Genoa Lane.**

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MOTION to approve;

**COUNTY MANAGER**

**2m. For possible action. Discussion on a location change for the Douglas County Board of Commissioner's June 7, 2012 meeting to the Douglas High School Library/Media Center.**

MOTION to approve;

**PUBLIC GUARDIAN & PUBLIC ADMINISTRATOR**

**2n. For possible action. Discussion on the Public Guardian's & Public Administrator's 2012 first quarter reports.**

MOTION to approve;

**SHERIFF**

**2o. For possible action. Discussion on approval of a cooperative agreement between Douglas County and the Douglas County School District allowing the Douglas County Sheriff's Office to assign one deputy to serve as a Safety Resource Officer (SRO) for the District.**

MOTION to approve;

**EAST FORK BOARD OF FIRE COMMISSIONERS**

**2p. For possible action. Discussion on approval of an Interlocal Agreement between the Nevada Division of Forestry and the East Fork Fire and Paramedic Districts and authorization to allow the District Chief to sign Annual Operating Plans between the two agencies.**

MOTION to approve;

**2q. For possible action. Discussion on approval of a Cooperative Fire Protection Agreement between the USDA Forest Service Humbolt-Toiyabe National Forest Carson Ranger District and the East Fork Fire and Paramedic Districts and authorization to allow the District Chief to sign Annual Operating Plans between the two agencies.**

MOTION to approve;

**2r. For possible action. Discussion on the East Fork Fire and Paramedic Districts' Monthly Report for February 2012 and authorization of accounts receivable write-offs for the month of February 2012 in the amount of \$110,491.90. These write-offs consist of \$51,246.50 in mandatory governmental write-offs, \$58,388.90 in bad debt write-offs, and \$856.50 in contractual write-offs for February 2012.**

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MOTION to approve;

**EMERGENCY MANAGEMENT**

**2s. For possible action. Discussion on Douglas County Emergency Management, administered under interlocal agreement by the East Fork Fire and Paramedic Districts, to accept a State of Nevada (HMEP) Grant in the amount of \$15,749 for 25 partners of the Local Emergency Planning Committee (LEPC) to attend in-service Incident Tactical Accountability training, to allow eight LEPC partners to attend the Continuing Challenge workshop, and to authorize the District Chief to sign all documents related to the management of this grant.**

MOTION to approve;

**REPORT OF FEES**

**2t. For possible action. Civil Clerks – March 2012**

**2u. For possible action. Recorder – March 2012**

**2v. For possible action. General Services – March 2012**

**2w. For possible action. East Fork Constable – January – March 2012**

**2x. For possible action. Tahoe Constable – January – March 2012**

MOTION to approve;

MOTION; carried unanimously.

**ADMINISTRATIVE AGENDA**

**CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:**

None.

**COMMUNITY SERVICES**

**3. For possible action. Discussion on a request to post No Smoking signs in and around the playground equipment at Lampe Park, Stodick Park and Aspen Park. Presentation to include the hazards of secondhand smoke, the life cycle of a cigarette butt and observations regarding smoking around children's play equipment in Douglas County.**

Linda Gilkerson, Partnership of Community Resources, introduced the STOP Students.

The students presented information on their findings about the risks, hazards, and current conditions of cigarette litter in parks, especially near the playground

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equipment. They also presented information and statistics on the hazards of smoking and secondhand smoke. In order to raise community awareness, they are proposing to place educational signs around children's playground equipment requesting people refrain from smoking.

Commissioner Johnson talked about a family member who is suffering from the effects of secondhand smoke and thanked the students for bringing this important message forward.

The Board members thanked the students for their involvement in the community and their commitment to making a difference.

In order to get input from varying age groups, Chairman Bonner invited the students to take part in a monthly discussion on the issues that are impacting the county.

No public comment.

MOTION by Olson/Lynn to approve the request to place No Smoking and education signs around the playground structures at Lampe Park, Stodick Park, and Ranchos Aspen Park; carried unanimously.

**DOUGLAS COUNTY LIQUOR BOARD**

**4. For possible action. Discussion on possible approval of a Cabaret/Discotheque (Full Bar) Liquor License, Catering License and Restricted Gaming License for Truminden, LLC, dba Flight Restaurant and Bar, located at 2244 Meridian Blvd., Suite A, Minden, Nevada and represented by owner Mason Brutschy and his registered agent and onsite manager, Lori Baxter.**

Karis Drake, Records Management Supervisor, was available to answer questions.

Michael McCormick, Assistant District Attorney, said the applicant has submitted a completed application and has met the standards. Areas of concern with Ms. Baxter are the recently paid, longstanding tax liens and the consistently late payment of liquor license fees. While there is no reason to deny the license, staff does not want to expend valuable resources and time trying to track down payment but they feel Mr. Brutschy is a sound businessman and has adequate resources to handle this operation.

Captain Joe Duffy, DCSO, stated the Sheriff's Office does not see any reason to deny their application.

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The Board agreed they could approve the license as long as it is understood there would be consequences if compliance becomes a problem.

No public comment.

MOTION by Lynn/McDermid to approve a Cabaret/Discotheque (Full Bar) Liquor License, Catering License and Restricted Gaming License for Truminden, LLC, dba Flight Restaurant and Bar, represented by owner Mason Brutschy and his registered agent and onsite manager, Lori Baxter. Flight Restaurant and Bar is located at 2244 Meridian Blvd., Suite A, Minden, Nevada; carried unanimously.

**COUNTY MANAGER**

**16. For possible action. Discussion on appointment to the Board to Manage Wildlife. The term of office will be from May 2012 through December 2012.**

Stephen Mokrohisky, County Manager, stated four applications were received and the names were read into the record.

Wes Emery, applicant, stated he is a 15 year resident of Douglas County and holds a guiding license and a Forest Service permit to guide and outfit. He spends much time in the field and understands Nevada's wildlife. He feels his experience would be an asset to the board.

Marshall Goldy, applicant, is a lifelong hunter and has worked for the U.S. Park Service. He regularly attends both the state and advisory board meetings.

**PUBLIC COMMENT**

Bob Cook, Chairman of the DCABMW, thanked all the applicants for applying. There are many issues associated with wildlife in Douglas County from the aquatic invasive species to the bear hunt.

Public comment closed.

Noting the recommendation by Kevin Servatius and Mr. Emery's previous application, MOTION by Johnson/Olson to appoint Wes Emery to the Wildlife Board; carried unanimously.

**5. Presentation by Carson Valley Trails Association (CVTA) regarding the Genoa trail system, the Carson Valley Discovery Trail and other CVTA activities.**



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Jeremy Vlcan, Carson Valley Trails Association, provided an update on the new trails within the Genoa Trail System and the status of future trails.

No public comment.

This was a presentation only and no action was taken.

**DISTRICT ATTORNEY**

**6. For possible action. Discussion on adoption of Ordinance 2012-1356 amending the Douglas County Code, Title 8, Section 8.16 to revise the regulations regarding the discharge of fireworks and other properly related matters. (Second, 2<sup>nd</sup> reading)**

Michael McCormick, Assistant District Attorney, said the ordinance was rewritten to put the decision making into the hands of the chief of the respective district rather than in the County Manager's hands.

No public comment.

MOTION by Olson/McDermid to adopt Ordinance 2012-1356 amending the Douglas County Code, Title 8, Section 8.16 to revise the regulations regarding the discharge of fireworks and other properly related matters; carried unanimously.

**PUBLIC WORKS**

**7. For possible action. Discussion regarding the Nevada Department of Transportation's draft FY 2013-2022 Work Program for Douglas County.**

Tracy Larkin Thomason, introduced the NDOT staff in attendance and thanked Douglas County for their coordination and cooperation with projects relating to transportation. The purpose of this presentation is to submit the annual work program for Douglas County and gain board input and approval of the work program.

Statewide, the safety and zero fatality programs continue to be a focus. The statewide bike plan is almost complete and NDOT will work with Douglas County to hire someone to do the bike plan for the county. Highlighting the initiatives underway, Ms. Thomason talked about Connecting Nevada, the QR code on the new maps, and Everyday Counts. Funding continues to be a challenge.

Ms. Thomason discussed projects submitted in Douglas County and their status as well as unfunded projects proposed in Douglas County.

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Commissioner Olson would like to see the turn lane into the Tribe's property be a priority. It is a safety issue. In the long range elements, he would rather see the money used for roads instead of being spent on studies.

Ms. Thomason agreed but NDOT needs to be sure the money spent is being spent in the best way and the overall plan fits into the long range vision. Sometimes there are limitations on how the money can be spent.

Discussing the Stateline to Stateline bikeway, Ms. Thomason said the Phase 1b portion of the trail is funded and Phase 1c is funded and will go forward next year.

Vice Chairman McDermid hopes the improvements being done for Lake Parkway will not have to be torn out if the Tiger 4 grant for the Highway 50 realignment is awarded.

Commissioner Lynn spoke about his safety concerns with SR 756 with Jeff Foltz, Senior Civil Engineer, providing an update on the status of the safety audit.

Commissioner Johnson said he has been hearing complaints about gravel on Highway 395 near a large construction project and asked if it would be possible to sweep the road more often to keep it clean. Mr. Foltz said he would make that request to the construction company.

Chairman Bonner said Waterloo Lane is a key county road but is a failed road. This is a safety concern. The road is used as an arterial road so perhaps it should be reclassified as one. He would like NDOT to work with the county on the repair of that road.

Vice Chairman McDermid added the effect the stoplight has had on increasing the amount of traffic on Waterloo Lane and how it is used as a main route from the Foothill area to some parts of Gardnerville.

Regarding the TMDL, Chairman Bonner talked about the prohibitive cost of a wet sweeper. In the future, he would like work with NDOT on an alternate solution for taking care of road silt.

PUBLIC COMMENT

Stuart Posselt complimented NDOT on the job they do maintaining the highways and for the reconstruction of the highway between Minden and Carson City. However, he feels the trees along the west side of the highway will eventually grow too large and will block the view of the mountains, the traffic lights at Johnson Lane and Stephanie Way are not timed properly, and the message boards should have a stronger message

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about texting while driving being illegal. He would like road priorities to be based on who pays user fees; pedestrians and bicyclers do not pay fees.

Bob Pohlman talked about the plans to straighten SR 756 and the need for a turn lane at the Methodist Church.

Public comment closed.

Commissioner Johnson explained why the trees were planted along the highway.

MOTION by Lynn/McDermid to approve the Nevada Department of Transportation's draft FY 2013-2022 Work Program for Douglas County; carried unanimously.

**COMMUNITY DEVELOPMENT**

**8. Presentation by Jeff House, Vice President of Manhard Consulting, Ltd, regarding the results of the Buckeye Creek Watershed Flood Impact Analysis and other recent studies, and their affect on the County's Floodplain Management Program, the Risk Management Plan, and the future Stormwater Management Plan.**

Jeff House, Manhard Consulting, summarized their sophisticated peer review efforts with regard to the Pinenut Creek Watershed study and the Buckeye Creek Watershed study to submit technical appeals and LOMRs to FEMA. The result was peak flows and floodplains were reduced dramatically and that will increase land values and decrease flood insurance premiums. He explained the need to expand the Buckeye Creek Watershed analysis to the Carson River and include analyses of the Airport Wash Watershed.

This was a presentation only and no action was taken.

**9. For possible action. Discussion to award a professional services contract to Manhard Consulting LTD, for the complete Flood Impact Study and Letter of Map Revision for the Buckeye Creek/Martin Slough Phase 2 and Airport Wash watersheds for Douglas County in an amount not to exceed \$159,000.**

Jeff House, Manhard Consulting, said this contract would continue the study and he identified the areas to be studied as the Buckeye Creek Wash watershed from Highway 395 to the east fork of the Carson River and would also include the Airport Wash.

Given these difficult economic times, Commissioner Olson would like to keep these monies in Douglas County by hiring a local firm. Local engineering firms do LOMRs.

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Chairman Bonner agreed he would like the county to consider “buying locally”. As much as possible, he would like to see money stay within the local economy.

Vice Chairman McDermid reiterated the Board’s encouragement to use local firms whenever possible.

Commissioner Lynn feels Manhard does quality work but local firms could pick up where Manhard left off.

Mimi Moss, Community Development Director, talked about the role R.O. Anderson played in conjunction with Manhard in analyzing the Buckbrush Wash. Part of the Buckeye Creek Wash study that Manhard is submitting to FEMA includes an analysis similar to what Anderson Engineering prepared for the soils connectivity. Manhard used the same data Anderson had but took it to a much higher level. Hiring a consultant for this type of project should be based on the 2008 appeal and its technical review, consistency with the modeling and analysis that has already been done, and the success of the Pinenut Creek LOMR application.

Mr. House said state of the science engineering and modeling was done and the typical engineering firm does not have the capability to do that. Their firm has set the new standard for how the studies should be done. They meet with staff on a weekly basis and always perform work above and beyond the scope of work to ensure the results of the studies are irrefutable.

Commissioner Johnson said the county does hire local people when possible. Each of the watersheds was considered individually. It is important to keep consistency on each of the alluvial fans and overall this could save the community money.

No public comment.

MOTION by McDermid/Lynn to award the professional services contract to Manhard Consulting LTD, for the complete Flood Impact Study and Letter of Map Revision for the Buckeye Creek/Martin Slough Phase 2 and Airport Wash watersheds in an amount not to exceed \$159,000 and direct the Chairman to sign the contract; carried with Olson voting Nay.

**10. For possible action. Discussion on adoption of Ordinance 2012-1357 amending Douglas County Code Section 18.06.020 and the Gardnerville Town Boundary to include two parcels, totaling approximately 7.67 acres within the Minden/Gardnerville Community Plan, for Edith Hellwinkel, Trustee, owner of APN 1320-33-402-081 and the Town of Gardnerville, owner of 1320-33-402-080, located east of 1423 Mission Street and north of Toler Lane and six parcels,**

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**totaling approximately 95 acres within the Minden/Gardnerville Community Plan, for Barton Healthcare Systems, owner of APN 1220-10-601-004 and James Peri, owner of 1220-11-002-001, -017, -018, and -019; and 1220-10-701-011, located east of U.S. Highway 395 and north of Pine Nut Road and other properly related matters. The Board of Commissioners may approve, approve with modifications, or deny the request. (2<sup>nd</sup> reading)**

Dirk Goering, Assistant Planner, explained minor changes were made to the legal description since the introduction of the Ordinance.

No public comment.

MOTION by Olson/Lynn to adopt Ordinance 2012-1357, annexing two parcels, totaling approximately 7.67 acres for Edith Hellwinkel, Trustee and the Town of Gardnerville, and six parcels, totaling approximately 95 acres for Barton Healthcare Systems and James Peri, based on the findings and conclusions in the staff report and recommendation by the Gardnerville Town Board; carried unanimously.

**11. For possible action. Discussion on adoption of Resolution 2012R-042 (ref. DA 12-004), amending the Douglas County Master Plan by adopting the Community Wellhead Protection (CWHP) Plan for Public Water Systems in Douglas County, Nevada, as part of the Environmental Resources and Conservation Element, Chapter 8, of the Master Plan, with the changes recommended in the Comment Response Matrix. The Board of Commissioners may approve, approve with modifications, or deny the request.**

Brandy McMahon, Senior Planner, introduced Kim Borgzinner, NDEP, Eileen Christensen, BEC Environmental, and Ron Roman, Engineering Manager for Douglas County.

Ms. Borgzinner identified the planning team and the agencies involved in preparing the plan.

Ms. Christensen presented the planning process, potential containment source inventory findings, and work and public education plans. Countywide public education is underway and new development projects located in the wellhead protection areas will be forwarded to the affected water purveyor for comment and inclusion in the Conditions of Approval.

Commissioner Lynn wondered why GRGID did not participate with Shari James, GRGID Board member, responding this issue was never brought to her attention. She stated she would look into why this was not voted on and why the Ranchos opted out.

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Commissioner Lynn noted that area is dotted with haphazardly covered well casings and those are the ones that are really at risk. The sealing standards of 20 years ago were much different than they are today and the majority of the wells are in that age group or older. Ms. Christensen said the county could apply for additional grant funding that could be used to identify improperly abandoned or orphaned wells. As an alternative to formally abandoning these wells, which is an expensive process, they could be locked or secured until their future use is determined. The plan does not have any enforcement capabilities but the county could add enforcement processes if they wish.

PUBLIC COMMENT

Donna Buddington provided photos of a neighboring property that has old asphalt and concrete in the yard and requested the county's help in dealing with it.

Stuart Posselt said the website contains some incorrect phone numbers.

Bob Pohlman said he attended some of the coordination meetings and assisted with the education portion. He volunteered to identify wellheads.

Public comment closed.

Commissioner Johnson said this was a long time coming and is a really good product. He noticed the private wells were not included but hopes the information is available to private citizens who may want to protect their own wells.

MOTION by Olson/Lynn adopt Resolution 2012R-042 (ref. DA 12-004), amending the Douglas County Master Plan by adopting the Community Wellhead Protection (CWHP) Plan for Public Water Systems in Douglas County, Nevada, as part of the Environmental Resources and Conservation Element, Chapter 8, of the Master Plan, with the changes recommended in the Comment Response Matrix, based on the recommendation from the Planning Commission and discussion and findings in the staff report; carried unanimously.

***THE FOLLOWING ITEMS WILL NOT BE HEARD PRIOR TO 4:00 P.M.***

PUBLIC WORKS

**12. For possible action. Discussion on adoption of Resolution 2012R-029 consolidating Douglas County's West Valley, East Valley, Job's Peak and Sheridan Acres water systems into one water system and setting the monthly water rates, connection charges and private fire service charges for the**

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**consolidated water system for Fiscal Year 2012-13 and Fiscal Year 2013-14, which includes a deviation from Douglas County's Administrative Policies and Procedures Number 300.08 for Fiscal Year 2012-13.**

Carl Ruschmeyer, Public Works Director, reviewed past direction and the benefits of consolidating the water systems. He identified the differences in the model inputs and assumptions used in the consolidated rate study versus the 2010 rate study. Taking a conservative approach to the model and analysis, staff assumed no growth, consumption was based on FY 2010-11, an increase in the Minden wholesale water rate was built in, and no new debt is anticipated. Mr. Ruschmeyer highlighted the cost of service analysis which shifted costs to irrigation users, annual consumption by customer class, the components of the FY12-14 CIP, revenue analysis and coverage, cash flow, water rate schedule proposing a two year rate, connection charge schedule based on a consolidated system, and the private fire service schedule based on the different classes of customers.

PUBLIC COMMENT

Jack Van Dien said consolidation does not reduce water rates; it is being done artificially. Using cash depreciation reserves to stabilize and reduce rates is not a legitimate use of those reserves. He is opposed to consolidating unconnected water systems for the purpose of subsidizing the water systems that have higher investments per EDU. He discussed the need to set rates high enough to allow appropriate cash reserves to be built up.

Stuart Posselt thinks the consolidation is premature until the Jobs Peak litigation is concluded. He stated concerns with future rate increases and the consolidation of East Valley's reserve funds with the others. Until his reserve fund concerns are resolved, he cannot support the consolidation.

Bob Wellise, Jobs Peak water customer, thanked the Board for finding a way to make consolidation work. He urged the Board to support the consolidation.

*Chairman Bonner asked for a show of hands of those in support of the consolidation and the majority of the audience raised their hand.*

Public comment closed.

Talking about the cash reserves in the East Valley fund, Commissioner Lynn discussed the amount of subsidies East Valley has received in the past. He pointed out the Minden pipeline helped the East Valley users avoid the cost of constructing and operating an arsenic treatment plant.

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Mr. Ruschmeyer said water usage was down 14% across the four systems in the past year but if 10% came back, the future rate increases would be cut to 5%.

Commissioner Johnson addressed Sunrise Estates and the reasons they have been shifted out of and into the East Valley system. He stated the county is trying to do what is right in a difficult situation.

Chairman Bonner agreed. In researching water rates, he noticed no communities are lowering water rates at this time. When water rates are raised, people use less water and the result is even higher rates. His hope is the lower rates will result in higher water usage.

Commissioner Lynn believes connection fees will eventually start coming in again and that will affect the rates. In 2008, it was determined it would take 275 hookups per year on the county systems just to pay the debt and we limited ourselves to 330 building permits per year countywide. That action put the burden on the backs of the ratepayers.

Vice Chairman McDermid said Lake Tahoe is limited to 13 building permit allocations per year and that has an impact on the systems when they need upgrades. Future EPA standards could also have an impact.

MOTION by McDermid/Olson to adopt Resolution 2012R-029 consolidating Douglas County's West Valley, East Valley, Job's Peak and Sheridan Acres water systems into one water system and setting the monthly water rates, connection charges and private fire service charges for the consolidated water system for Fiscal Year 2012-13 and Fiscal Year 2013-14, which includes a deviation from Douglas County's Administrative Policies and Procedures Number 300.08 for Fiscal Year 2012-13; carried unanimously.

## **FINANCE**

**13. For possible action. Discussion on adoption of Resolution 2012R-037 authorizing the establishment of a single enterprise fund to be named the Carson Valley Water Utility Fund to consolidate the East Valley Water Utility, West Valley Water Utility, Job's Peak (Foothill Water Utility) and Sheridan Acres Water Utility systems, effective July 1, 2012.**

Christine Vuletich, Assistant County Manager/CFO, stated approval of this item would establish a single consolidated enterprise fund for accounting, budgeting, capital planning, management, and future rate setting purposes.



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PUBLIC COMMENT

Stuart Posselt objects to the comments made regarding the amount of subsidy East Valley has received. He believes the arsenic levels established by the EPA have never been challenged because no study has ever been done. Raising the irrigation rates also raises the rates for HOAs too. *(He was reminded by the Chairman to keep his comments on topic)*. His previous comments under item 12 are incorporated into this item.

Jack Van Dien supports the off topic comments made by Mr. Posselt.

Bob Pohlman asked whether the resolution should reference the ordinance the enterprise fund follows. He would like to see availability fees added in the future and would like an advisory board formed to oversee the new water district.

Public comment closed.

Doug Ritchie, Deputy District Attorney, said rate setting deals with financial policies but creating an enterprise fund does not so the two items are not connected.

MOTION by McDermid/Olson to adopt Resolution 2012R-037 authorizing the establishment of a single enterprise fund to be named the Carson Valley Water Utility Fund to consolidate the East Valley Water Utility, West Valley Water Utility, Job's Peak (Foothill Water Utility) and Sheridan Acres Water Utility systems, effective July 1, 2012; carried unanimously.

PUBLIC WORKS

**14. For possible action. Discussion on introduction of Ordinance No. 2012-1364, amending Douglas County Code (DCC), Title 20, Appendix F, of the Douglas County Code regarding water facilities, allowing the use of a single combined lateral for domestic and private fire service, and all other properly related matters. (1<sup>st</sup> reading)**

Carl Ruschmeyer, Public Works Director, said the proposed language allows the use of a combined domestic and fire service and clarifies the requirement for the collection of the connection fees.

PUBLIC COMMENT

Stuart Posselt said he has never seen one lateral servicing two meters and two residences. Allowing that is problematic because the result is insufficient water pressure. This is a disservice to customers.

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Public comment closed.

Mr. Ruschmeyer clarified this would be for a single parcel or a single house. However, code and standards allow a single lateral that is split but there will still be separate meters.

MOTION by Lynn/McDermid to introduce Ordinance 2012-1364, amending Douglas County Code Title 20, Appendix F, of the Douglas County Code regarding water facilities, allowing the use of a single combined lateral for domestic and private fire service, and all other properly related matters; carried unanimously.

**15. For possible action. Discussion related to the Board of County Commissioners providing direction to staff regarding the possible future implementation of availability charges in the rate setting process for Douglas County's sewer utility fund.**

Carl Ruschmeyer, Public Works Director, defined an "availability charge", its intent, and applicable NRS, NAC, and Douglas County Code authorities.

He outlined two scenerios that the analysis was based on:

- Vacant buildable parcels within 330' of a public sewer line. This would affect 480 parcels.
- Vacant buildable parcels within 330' of a public sewer line plus existing septic systems within 330' of a public sewer line. This would affect 997 parcels.

Using those scenarios, Mr. Ruschmeyer provided the fees that could be charged, potential annual revenues, and potential monthly user rate savings. Presenting the pros and cons of instituting an availability charge, he talked about the administrative impact of collecting this type of fee.

Terry Lundergreen, Chief Deputy Treasurer, explained the staffing resources that would be needed if up to 1,000 new customers are added to the utility billing system.

Commissioner Lynn believes this fee is nothing more than a tax and he does not want to impose a tax. He is adamantly opposed to subsidizing rates with the capital component of this charge because that is what got us where we are today. The operating component is a token subsidy. There is no gain to instituting this.

If we are considering a capital and operating component, the impacts for scenario #1 would be 58% of the total fee simply for a line running in front of their house. For scenario #2, it would be 54% of the total fee. For the sewer line that runs within 330',

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it will be difficult to tell who built what and which ones are main trunk lines and which are laterals. The construction of those lines was not entirely county capital, in many cases it was the developer putting in the sewer lines that connect to a trunk line.

Vice Chairman McDermid questioned the enforcement mechanism and Doug Ritchie, Deputy District Attorney, responded a lien would be placed on the property. Ms Lundergreen added delinquent water/sewer bills can be transferred to the property tax bill for collection.

Vice Chairman McDermid thought septic users who are 330' from a sewer line may connect at some point so those lots should not be left out if this charge is imposed. Considering both sides of the argument, is a vacant lot owner going to be willing to pay now to subsidize user rates when they are not utilizing the system? This is not done throughout the industry and there must be a reason for that. If the administration of this is going to require an additional ½ person, then it seems to be non-workable and nothing would be gained. There are a lot of questions about this and more information must be garnered about the impacts of this charge before putting it in place.

Commissioner Lynn would like to see a map of the sewer lines in order to gain a better understanding.

Commissioner Johnson understands why staff brought this forward and sees both sides of this issue. He cannot support scenario #2 because the unintended consequences of the expense, management, and enforcement will far outweigh any type of positives.

Chairman Bonner has concerns with the legal aspect of this and with the cost of the administrative fees. Washoe County has a readiness to serve sewer charge but the amount is unknown.

PUBLIC COMMENT

Stuart Posselt would have liked this discussion to include water too and requested a future agenda item to include water. He addressed the Douglas County Code requirement to charge this fee and outlined how it should be calculated. He objected to an out of state consultant advising the Board on the components of the fee. He wants an accurate standby fee established and the funds received applied to existing customers.

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Bob Pohlman referred to a vacant lot subdivision list he provided at an earlier meeting and said it was not his intention to have people on septic systems convert over. He too would like water considered.

Jack Van Dien said some property owners asked for the sewer plant to be built in the first place. He disagrees with the FCS Group calculations of the availability fees. He would like the cost of availability to an empty lot consist of debt service and depreciation. Empty lots should pick up part of the depreciation burden. Who was the sewer plant built for in the first place? All should be paying but are not.

Donna Buddington believes fairness and equity should be the driving force behind this. When a development does not build out then the burden of the expense is placed on the remaining people in the development. These fees are a beginning of a change to address the needs of the future without compromising the ability to meet our needs now. It is time to correct the situation that has been imbalanced for generations.

Public comment closed.

Commissioner Johnson thought one solution could be to impose it for future development but not make it retroactive. He would rather work with staff on this rather than trying to craft it on the fly now.

MOTION by Lynn/ to continue indefinitely until there is a reason to revisit it;

MOTION; died for lack of a second.

MOTION by McDermid/ to direct staff to take the concept of an availability fee and bring it back with a future date to start and having to do with new development;

MOTION; died for lack of a second.

Commissioner Johnson feels the Board has no appetite to proceed with what is in front of them and he has no desire to see this back again in this form.

Chairman Bonner is not satisfied with the legal issue and he would like more information on what surrounding areas are doing. He is also concerned about the staff time and cost. He does not see it as a tax and does not want to penalize current owners.

Commissioner Lynn reiterated his opinion that this is a tax.

The Board agreed to continue this indefinitely.

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MOTION by Johnson/Lynn to not direct staff to proceed as is; carried unanimously.

**COUNTY MANAGER**

**16. For possible action. Discussion on appointment to the Board to Manage Wildlife. The term of office will be from May 2012 through December 2012.**

This item was heard earlier in the meeting.

**17. Reports/updates from County Commission members concerning the various boards and/or commissions that they may be a member of or a liaison to or meetings/functions they have attended. These boards/commissions/meetings include but are not limited to the: Nevada Association of Counties; Carson Water Subconservancy District; Lake Tahoe Visitors Authority; Tahoe Regional Planning Agency; Law Library; NevadaWorks; Carson Valley Chamber and Visitors Authority; Tahoe Douglas Visitors Authority; Lake Tahoe South Shores Chamber of Commerce; Western Nevada Development District; Regional Transportation Commission; Nevada Tahoe Conservation District; Nevada V & T Railroad Commission; Joint Powers/Waste Management; Tahoe Transportation District, and the Debt Management Commission. There will be no action taken on these reports/updates.**

Vice Chairman McDermid said the Regional Plan was rolled out.

This was a discussion only and no action was taken.

MOTION by McDermid/Lynn to adjourn the meeting; carried unanimously.

There being no further business to come before the Board, the meeting adjourned at 5:35 p.m.

Respectfully submitted:

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Lee Bonner, Chair  
Douglas County Board of Commissioners

ATTEST:

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Ted Thran, Clerk-Treasurer

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